that information is obtained, assuming what it is to be, the member who offers the resolution goes on with a denunciatory speech in regard to the character of the information he expects I shall not partake at this time in the discussionto receive. I shall not partake the trade in the facts may be, and not now apply any statement of law or of fact which I may suppose to be applicable. I have risen for ne such purpose; but I have risen to express the hope that while we are engaged in the discussion of grave and important subjects with regard to California, we will not be diverted from our purpose by an expedition against Cuba. I hope this resolu-tion will be laid upon the table. Indeed, I have risen for the purpose of moving that it be laid upon the table, and that we proceed to the consideration of the proceed to the consideration of the special order, so that the Senator from Louisiana, who has the floor, may be permitted o address the Senate; because the state of his health is such to address the Senate; because the state of his health is such as to render it desirable that if he address the Senate on the ngrossing question now before us, he should do so to-day. Mr. YULEB. I hope the Senster from Kentucky will-al-

low me for a moment——
Mr. CLAY. I shall not withdraw the motion.

Mr. YULEE. I do not ask the Senator from Kentucky o withdraw the metion; I merely desire that he would give it addifferent direction, so that it may be taken up to-morrow. or en some early day.

Mr. CLAY. To that I have no objection, though I should object if it is to lead to discussion. Mr. President, I shall

move to lay the resolution on the table, and the Senator from Florida can move to take it up to-morrow, if he pleases. Mr. VIII.EE. I have no objection that it be laid upon the

table to day, and I shall ask the Senate to take it up to-The question was then taken on the motion of Mr.

and the resolution was ordered to lie on the table. On a subsequent day the resolution was taken up and

SPEECH OF Mr. CLAY. OF KENTUCKY,

On the Pending Measures of Compromise.

IN SENATE, MAY 21, 1850. The Senate having under consideration the special being the bill to admit California as a State into the Union. to establish Territorial Governments for Utah and New Mexico, and making proposals to Texas for the establishment of rthern boundaries-and Mr. Soule having addressed the Senate-

Mr. CLAY. Mr. President, the debate has been conducted in this case with great irregularity. A single proposition was before the Senate, and that of an amendment to a parti cular section, in relation to the prohibition as to legislation by the Territorial Governments on the subject of African slavery. And, although this was the sole question pending before the Senate, Senators have launched out upon the broad ocean, and embrace, in the course of their arguments, the entire sub-ject. Sir, I feel constrained, in vindication of the acts of the committee of which I was an humble member, to meet some of the arguments of the honorable Senators; and I will begin with the last, who has just sat down. The Senator from Louisiana finds himself unable to concur in the scheme of compromise which has been proposed. Will that Senator condescend to present a contre projet of his own, for the satisfaction and reconciliation of the people of this country? Will be tell us what he wants? Sir, this finding of fault, and, with the aid of a magnifying glass, discovering defects, descrying the little animalcula which move upon the surface matter, and which are indiscernible to the naked natural eve is an easy task, and may be practised without any practical benefit or profitable result. It is the duty of the Senator who has just addressed us-it is the duty of all who assail this compromise, to give us their own and a better projet : to tell us how they would reconcile the interests of this country and harmonize its distracted parts. And I venture to say that, upon every subject of which the learned Senator has treated. has done great injustice to the acts of this committee. do not mean to follow him throughout the whole course of hi remarks, but I will take a rapid notice of his objections to the various features of this report. Sir, he began, if I am not mistaken, with that which re

lates to the recovery and restitution of fogitive slaves; and he said, with an air of great dissatisfaction, if not of derision, that the committee had brought back that bill with certain embarrassments instead of improvements. Eir, I beg you to recollect that the greatest objections made to the amendment relating to fugitive slaves come from States which are not suffering under the evil of having to recover fugitive slaves. I stated here the other day, what I repeat again now, that my own State is perhaps the State suffering most from this cause, while the State of Louisiana is among those States which suffer from it the least. And yet the honorable Senator from Louisiana, when we are satisfied with these provisions, sees in them objections which are insurmountable. And what are the embarrassments of which he complains? Why, sir, that to carry with him a record! That instead of carrying with him, in pursuit of his slave, at great trouble and expense, witd loose affidavits, he is fortified by an authentic re-That, I say, is an advantage and a protection to the slaveholder -- a great advantage; for that record will command the South for Congress to repeal its own laws? Sir of the peace could never confer. The record, moreover, is a the country, and all the opinions, and all the preju ploy the provisions of the act of 1793.

convenience of such a trial taking place in the State from which the fugitive has fled? In point of fact it will be no disadvantage, for there will not be one instance in a thousand where the bond to allow a trial by jury at home will incommode the slave owner, since the fugitive will be found to have asked for it as a mere pretext; and when he gets back to his own State he will, beyond all question, abandon that pretext. Sir, I put it to the honorable Senator whether he does not believe that this will be the case; and this, you will recollect, is proposed as a substitute and a satisfaction to the North of that trial by jury which they contend for at a distance from home, and which I have already insisted would amount to a virtual surrender of the constitutional provision. Moreover, it is granting to the slave only the right which he now indis putably possesses, in all the slaveholding States, of resorting ribunals of justice to establish his claim to his free-

dom, if he has one.

Mr. President, I find myself in a peculiar and painful position, in respect to the defence of this report. I find myself extremists every where; by under currents; by those in high as well as those in low authority; but, believing as I do, that this measure, and this measure only, will pass, if any does pass, during the present session of Congress, shall stard up to it, and to this report, against all objections springing from whatever quarter they may.
Sir, it was but the other day that I found myself reproach-

ed at the North for conveying an alleged calumny of their institutions by saying that the trial by jury, in this particular description of case, could not be relied poon as a remedy to the master who had lost his slave; as if I had made any such charge on Northern judges and juries, in ordinary cases, in the way of reproach, or had not as plauded the administration of justice both in our State and our Federal courts generally. But I urged that, if, in Massachusetts, you require a Kentuckian, going in pursuit of his slave there, to resort to a trial by jury on the question of freedom or slavery of a fugitive, would be requisi e, in consequence of such an assertion of privilege on the part of the fugitive, that the parties should produce testimony from the State of Kentucky; that you will have to delay the trial from time to time; that there must be a power to grant a new trial, and that a supervisory power ould be necessary when you come to a final trial; that distant and foreign courts would be called on to administer the unknown laws of a remote commonwealth; and that, when you sum up the expenses and charges at the end of the case, although the owner may eventually recover his property, the contest to regain it would have cost him more than it is worth; that, in short, he might be largely out of pocket, and that he would find he had better never have moved at all in the mat-ter. That was the argument which I used; and yet, at the North, I am accused of casting unmerited opprobrium upon the right of trial by jury and the administration of justice; at the South, in another and the last extreme, from which I should have expected any thing of the kind, I find that this amendment is objected to as creating embarrassments to the owners of fugitive slaves. Sir, this is something like

"I do not like thee, Doctor Fell. The reason why I cannot tell;
But this I know, and know full well,
I do not likethee, Doctor Fell."

Such, Mr. President, are their objections to this measure. Now, let us follow the honorable Senator from Louisiana a little further. tine of his great objections was to the clause which prohibits the Territorial Legislatures from passing any law in respect to A rican slavery within the Territories. except myself, if I am so to be denominated, contrary to what is my usual habit of denominating myself? Every Southern man on that committee voted for the clause which is the theme of the Sanator's criticism to-day, against my opinion, and that of all the Northern members of that committee, with I be- ing to the local law of Mexico, slavery was not abolished: that,

rejected, tell us what you want; put it down in black | be satisfied? and white; put down your project; compare it with that of the committee, and let us know the full extent of your demands, and then we shall be able to pass judgment upon them, approving them if we can; and do not restrict your-

altogether premature. It is a call for information, and, before fault with what is already proposed, without offering a solitary

substitute for the measure you oppose.

Now, sir, the bonorable Senator raises great objection t his clause of prohibition. He tells us that no police regula tions can be made. Either there is slavery there or there is not. If there is no slavery there, then there is no need of any ice regulations. If there be slavery there, then the necess ce regulations exist already. And I imagine that they wil e found sufficient, as they have already been found in time past; at all events from the present time until the time when States shall be formed out of these Ferritories. Now, let him escape from that dilemma if he can. I repeat it, if there i slavery there, there are police regulations; if there is no s very, then none are required. Sir, the aim of the committee, in the introduction of that

clause-I speak for every member of it, and the honorable mover of it as well as others—was simply to do this: to de clare that the Territorial Legislatures should have power neither to admit nor to exclude slavery. That was our pu pose—our sole purpose; and, if the amendment does not ac-complish that purpose, would it not be more consistent with a spirit of amity—with that desire of settling these questions which, I trust and hope, animates the Senator from Louisiana as well as others—would it not have been more conformable to that spirit to have moved an amendment, simply providing against the admission or exclusion of slavery in these territo-ries, leaving them free to establish any police regulations they lease, than to have attacked this measure in the manner which he has done, as if that clause contained some new and dangerous principle to be guarded against; and as if it did not embody the exact principle for which the South has miformly contended?

Again, the honorable Senator objects to the clause inter

dicting the slave trade in the District of Columbia. He objects to it on two grounds. In the first place, because the committee do not affirm in their report that there is no constitutional power in Congress to pass upon the subject of slavery in this District. Now, what is the opinion of the Senator and of the Senate upon this subject? A large portion, probably a majority of the Senate, believes that Congress has the power: another portion believes that Congress has no from Mississi such power. And how does the honorable Senator expect to be adopted. arrive at a compromise in which one of these opinions shall be made to triumph over the other? How does he expect that those Senators who think that the power does exist in Congress to abolish clavery in the District of Columbia, are to plunge their hands into the inmost recesses of their souls, and drag out that truth which lies there? If he wants a compromise, he must take it without asking Senators, on the one side or on the other to repudiate their fixed and deliberate opinions; if he does not want a compromise, then let him in-sist that one class of Senators shall surrender the opinions which they hold to the other class. Sir, I thought that the committee were on that subject as happy as they could be. The report neither affirms nor denies the power of Congress o abolish slavery within the District of Celumbia. It says that it ought not to be done; and he who thinks it ought no to be done upon constitutional grounds, ought to be satisfied; and he who thinks it may be done constitutionally, but who believes that it ought not to be done, from considerations expediency or kindness, or fraternal regard towards other portions of the country, ought also to be satisfied. Thus, by neither affirming nor denying the power, but by asserting that the power ought not to be exercised, I say it is a compromiswith which all ought I think to be perfectly satisfied. the honororable Senator expect that my learned friend in my eye, (Mr. Webster,) who has no doubt about the power, will give up that opinion? Does he expect that he will renounce his deliberate, well considered, and well formed opinions, which he has entertained for years? Does the South expect to succeed in any such demand as that? enator from Louisiana demand it? If he does, he demands that there shall be no compromise, no settlement of the ques-tions which are now agitating the country.

But, sir, the honorable Senator has misconceived the bill for abolishing the slave trade which the committee have re-

ported. This bill is a mere adoption of the law of Maryland. will here mention a fact which shows how wrong it is to prejudge a thing. An honorable friend of mine, in my eye, has suggested that the object can be accomplished in a certain mode; and I should like toknow, from the Senator from Louisiana, whether he thisks it attainable and acceptable in that way or not? The introduction of slaves now into this District. either for sale or for being placed in depot for subsequen transportation, arises out of two laws which were passed Congress itself, one in the year eighteen hundred and two. and the other some years after, permitting it to be done. The Senator to whom I have referred observed to me some time ago: "Mr. Clay, you can accomplish your object simply by repealing these two laws, and by leaving the state of the law where it was before Congress allowed by law the introduction of slavery into this District." I have not examined the two acts of Congress; but, as I know the Senator to be familiar with the laws of this District and the laws of Maryland, I have no doubt that he is right. Now, if instead of adopting the law of Maryland, which, in oth words, is the bill proposed by the committee, we had proposed the slave owner, in the pursuit of his fugitive property, has simply to repeal these two acts of Congress, in virtue of which would be think it wrong, would be think it unconstitutional Would be think it was alarming to the rights of the people of respect in the free States, and will give him an advantage there is a di-position to look at things with an impartial and a which oral testimony or loose affidavits taken before a justice candid eye, and to look at all the interests of all the parts of comula ive, not an exclusive remedy, leaving him free to em. you will, of our fellow citizens, we shall be much more likely to arrive at a satisfactory and harmonious result, than by at-With respect to the other portion of the report which re- taching ourselves to a single position, and viewing from that lates to this subject-that of trial by jury-where is the in- point every thing, and seeking to bring every thing to the standard of our own peculiar opinions, our own bed of Procrustes.

The Senator is mistaken in saying that a resident of the District cannot go out of the District and purchase a slave and bring him here for his own use.

Mr. SOULE. I feel assured that the honorable Senator

has misunderstood me. I have merely stated that the effect of this section, if I understand it well, will be to preclude the introduction into the District of any slave for the purpose of being sold, even if it were for the purpose of supplying the necessities of those inhabiting the District; and I know that the hono able Senator will do me the justice, on looking at the section, to admit that such will be its legal effect.

Mr. CLAY. Well, what is the inconvenience of it?

slave cannot be brought within this place for sale and be here old, but a man who wants a slave here may go to the distance of five miles and purchase one, and bring him here, not for sale, but for his own use. The real amount of inconvenience then, is, that a resident within the District will have to travel five miles to purchase a slave, instead of the slave being ought here to be sold. There is nothing whatever in the bill which prohibits a resident within the District from going out of the District and purchasing a slave for his own use The only prohibition is, that no slave can be brought into the District or into market for sale, as merchandise, without a forfeiture. But, sir, I repeat, that, by the repeal of the laws under which this is done, all difficulty might have been obviated; and so it will probably be, if the bill be allowed to take its usual course.

No part of this compromise seems to receive the commer dation of the Senator from Louisiana, or to afford him any polace or satisfaction. He says that it has been contend by me and by others, that the law of Mexico abolished slavery, and that it does not exist there by law, and is not likely to be introduced there, in point of fact. I cannot renounce that opinion. It is impossible in my nature for me to do so. cannot disbelieve what I believe. But the honorable Senator has taken up the greater portion of the time in which he has so ably and eloquently addressed us, to prove-what That that opinion of mine is incorrect. He has gone into an historical account of the abolition of slavery in Mexico; he has gone into the negotiations which led to the conclusion of the treaty of Hidalgo; he has gone behind the negotiations into the instructions given with regard to the proposition of the Mexican commissioners, forbidding the introduc-tion of slavery is to the ceded Territories. He has come into the Senate, and traced what has been done in this body, in order to prove that even here, by the negative of a proposi tion, moved, I believe, by a Senator from Connecticut, there was an implied purpose on the part of Congress to allow slavery, or rather to recognise it there. Now, cannot the Senator be satisfied with his own view ! He thinks that slavery is not abolished there. I know that he is much more eminent as a jurist than I ever aspire to be. Why, then, is he not satisfied with his own opinion? Will he not, in a spirit of liberal t leration, allow an opposite opinion to be entertained? But the objection to the measure is, that, although this proposes to be a settlement of all the questions involved, yet there is one question which is left unsettled, that of the lex loci in regard to slavery in these territories, which ought to have been adjusted. Will be tell me how it could be Will he or any hody else tell me how it can be settled, otherwise than by the Supreme Court of the United States, whether the law of Mexico did or did not abolish slavery within the limits of those Territories? That is what the menittee proposes to do. They have recommended this the honorable Senater knew the history of that clause ! Did plan to the consideration of the Senate, and of the country, he know that that clause was moved in the committee of thir. as a measure of general compromise, which would settle al teen by his own colleague? Did he know that that clause the questions that were practicable or possible for legislation was voted for by every Southern member on that committee to settle. The question which the Senator supposes is left unsettled, can only be settled by the Supreme Court of the United States, and there it is left.

Now, sir, it is a little remarkable that the Senator argued with such great ingenuity, and great carnestness, that, accordlieve one solitary exception? And yet, the moment it pre- according to the local law of Mexico, there was a right on the sents itself, although it comes under Southern auspices, it is part of the slaveholder to carry his slaves there; that, according to that local law, and the constitution of the United Again, I ask the honorable Senator from Louisiana, if this States, that right exists. If it does, ought not the Senator to be satisfied? Why, I should suppose that it was all that he wanted. He says that the right to carry slaves there exists, and that Congress has no power to legislate on the sub-ject of slavery one way or the other. What more then, does he want ! He says that the lex loci admits the existence of slaselves, in this unstatesmanlike manner, to the mere finding of very. Then has not the honorable Senator got precisely what

Mr. SOULE. The honorable Senator does me injustice. I expressly admitted that slavery was abolished by the Mexican law. I never raised a doubt upon that question. Slavery has been sholished within the limits of Mexico by the constitutional power of Mexico. So far as that goes, therefore, there cannot be the shadow of a doubt in the mind of any one, that, if the Mexican law prevails, slavery is already lished and utterly eradicated.

Mr. CLAY. I understood the Senator to be assailing the pinion which I entertained and expressed.

Mr. SOULE. I certainly did not. Mr. CLAY. Be that as it may, the honorable Senato contends for that which is equivalent to the non-abolition of slavery by the Mexican law—that the right to carry slaves nto the ceded Territories was restored by virtue of t tution of the United States Mr. SOULE. That is it.

Mr. CLAY. That, then, is what the Senator contended for Very well, then. If, by the Constitution of the United States, there is a right, on the part of every slaveholder in this country to carry slaves into the ceded Territories, (which I certainle do not believe or admit,) what more does the Senator want the talks about the statu quo. The statu quo is precisely what I should suppose him to want. But, superadded to that, if that be with him, is the Constitution of the United States. And yet he is not satisfied. Does he wish the constitution be re-enacted? Can the paramount authority be strengthened by an act of subordinate power? Would be recommend the introduction of the Wilmot provise into the bill, or a legislative enactment to admit slaves, because the plan of the committee is silent upon that subject? The Senator is not satisfied with this compromise. Will he tell us now, in so many fied with this compromise. Will be tell us now, in se many words, what he would put into an act of Congress to satisfy himself on the subject of slavery! I should be extremely hap-

Mr. SOULE. I am ready to answer the honorable gentle man at once. I will be satisfied with this section of the bill if the amendment proposed by the Senator from Mississippi prevail. That is all I want. I am willing to abide section, provided the amendment proposed by the Senator from Mississippi, and which I have this morning sustained, be adopted. I will also be satisfied with other portions of the bill, if reasonable amendments shall be made. Mr. CLAY. I am happy to find that there is some pos-

sibility that the Senator may yet vote with us. Perhaps I should have been less earnest if I had not despaired of ever obtaining his vote. I really thought that, from the course of his argument, and from the manner in which he treated every proposition contained in the report, he was a gone case; that he was hopeless; that nothing could reconcile him to any scheme that the committee could propose. I regret, however, to perceive that the Senator, in announcing what would satisfy him, restricts himself to this section. But, now, I should like to know what other law the Senator wants upon the subject of slavery than the paramount law of the Constitution of the Mr. SOULE Protection

Mr. CLAY. The paramount law of the constitution af-Mr. SOULE. I think it does not afford the protection. Mr. CLAY. Will the Senator be satisfied with striking

Mr. SOULE. I will be satisfied with the cause, provide t be modified as proposed by my friend from Mississippi.

Mr. CLAY. But that amendment the Senator knows cannot agree to, because it assumes a fact he existence which I deny. It assumes the fact that slaves are there. I maintain that there are none there, except here and there a body servant that has been carried there by those who are sojourning or travelling through the country.

If the Senator will be satisfied with striking out the clause

will vote to strike it out, because I voted igainst putting it in. Or I would consent to its being so modified as to declare that the Territorial Legislature shall neither admit nor exclude clavery, which will leave it open to police regulations. If the Senator will be satisfied with that, I an content. But, if the Senator desires, by any indirect means, by any clause which goes beyond its professed object, by any implication which can result from that clause, to assert either that slavery exists now in that country, or that it is lawful to carry there under the constitution of the United States, I, for one, cannot agree to it. If the Senator will agree to the modific tion of the clause, so as to declare that the Territorial Legislature shall pass no laws either to admit or exclude slavery-Mr. WEBSTER. Respecting the establishment or exclusion of slavery.

Mr. CLAY. Certainly. If the Senator will agree to nodify the clause so as to declare that the Territorial Legislature shall pass no laws respecting the establishment or exclusion of slavery. I will go for it with pleasure.

Mr. SOULE. I wish not to misunderstand the honorab Senator, but if I understood his argument, it seems to imply that the amendment proposed by the honorable Senator from Mississippi assumes the existence of slavery there. I canno concur with him in that. The amendment assumes that slaves may be there, but it certainly will not carry them there f they be not already there. And if any right exists under the state of things which that asserts, I cannot conceive what serious objections can be entertained on the part of the honor ble Senator, to the amendment proposed by the Senator from It only protects whatever rights may exist there. It does not give any right. It only seeks to protect such rights as, under the constitution of the United States, may now or hereafter exist. For these reasons I shall vote for the amendment. I beg the pardon of the honorable Senator for

interrupting him.

Mr. CLAY. Well, sir, if the honorable Senator will be which I understood the other day was satisfactory to most gentlemen on that side of the house—an amendment declaring that the Legislatures of the Territories shall neither establish nor available share a sale of the day was satisfactory to most willing to admit California. We go with him as far as he goes, and we make its admission compose a part of a general olish nor exclude slavery-I am content. Then it will leave open all these questions of right to be settled under the constitution of the United States, and all those matters of police which are stated to be desirable. But I cannot agree to an amendment which, in point of fact, assumes that slavery has an existence there at this time, and assumes in point of law was satisfied with his recommendation, so far as it went, an existence there at this time, and assumes in point of law that, under the constitution of the United States, there is a right to carry slaves there. I cannot vote for either proposition. I repeat that I am ready to vote to strike out the clause, to retain the clause, or to modify the clause in the way that I have suggested, which will accomplish all the objects sough for on the other side of the house, if I understand them.

Now, Mr. President, I am not going, at this time of the session, and at this stage of the progress of this measure, to discuss the question of the validity of the laws of Mexico. The question whether the opinions expressed by me and by others, or the opposite ones, be right, can only be decided b the Supreme Court of the United States, upon a proper case prought before that tribunal. We go as far as we can to settle all these questions. We establish governments there and courts there, from which courts appeals may be taken, ac-Court of the United States. A question as to whether or not the Mexican law prevails in these Territories, or whether the constitution admits slaves to be taken there, can only be de-

Mr. President, I will not say any thing more with respect to the able, ingenious, and eloquent argument of the Senator from Louisians; but I will proceed to the other subjects which propose to discuss. I am not one of those who, either at amencement of the session or at any time during its progress, have believed that there was any present actual danger to the existence of the Union. But I am one of those who believe that, if this agitation is continued for one or two vears longer, no man can foresee the dreadful consequences. A dissolution of the Union, the greatest of all calamities in my opinion which can befall this country, may not in form take place; but next to that is a dissolution of those fraternal and kindred ties that bind us together as one free, christian and commercial people. In my opinion, the body politic can not be preserved unless this agitation, this distraction, this exasperation, which is going on between the two sections of country, shall cease. Unless it do cease, I am afraid that this Union, for all the high and noble purposes for which our fathers formed it, will not be preserved.

Mr. President, I will go so far as to venture to express this opinion, that unless this measure of compromise, not the exact words of the bill—for the committee, I am sure, will agree to any amendments or modifications which will better the mea sure—but unless some measure of this kind pass, I hazard the prediction that nothing will be done for California, nothing will be done for the Territories, nothing upon the fugitive slave bill, nothing upon the bill which interdicts slavery in this District. Unless some such measure prevail, instead of healing and closing the wounds of the country, instead of stopping the effusion of blood, it will flow in still greater quantitie with still greater danger to the republic. And I repeat, that in my opinion the measure upon your table, with such amendments as it may receive, or some tantamount measure, must pass, or nothing passes upon all the subjects to which the re-

Let us look at the subject. If you do not pass this mea sure, there is a possibility, some gentlemen will say a high pro-bability, that the California bill will not pass. I have no doub myself but that there are large majorities in both Houses of Congress in favor of the admission of California into the Union; but from causes upon which I shall not dwell, and which are adverted to by me not with pleasure, but with pain, I am afraid that that bill never will pass the two Houses as a measure by itself. What, then, will be the condition of the Let us suppose that Congress does nothing ; let us suppose that it fails to furnish a remedy for any one of the evils which now afflict the country. Suppose we separate and go home under those mutual feelings of dissatisfaction and discontent which will arise out of the failure of Congres to adjust these questions. I will say nothing of the reproach and opprobrium that would be brought upon us by all christendom. I will say nothing of those who are looking upon us with anxious solicitude, under the hope that we will fulfit the solicitude. all the expectations and fulfil the high destinies which apperamong the greatest of all countries. I will say nothing of that large portion of mankind who are gazing with intense anxiety upon this great experiment in behalf of man's capacity for a li-government and man's freedom. I will say nothing of all this. Suppose, then, that after the lapse of

six or seven months, during which we were vainly epdeavoring to reconcile the distracted and divided parts of the country, we go home full of the feelings of rage and animosity, one
section against another. In such a state of feeling can the
republic long continue? Let us suppose, however, that you
feelect this bill and pass the California bill, and go home in that state of things; what will not the South say? proaches will it not level at the North upon this subject? They will say to the North, "You got all you wanted; you got the substitute for the Wilmot proviso; you have got clause much more potent, much more efficacious than that you have got the interdiction of slavery into the constitution of California; you have got all you wanted for the present and have refused us every thing; you have seized upon Cali fornis, and hereafter, from time to time, you mean to appro priate the whole of our acquisitions to your exclusive benefit in that state of feeling of mutual exasperation and excitement with a heated press, with heated parties, with heated lecturers with heated men, how can you expect hereafter to come back to this theatre of strife and contention calm and composed, to settle difficulties which six months of earnest and anxious labor have not enabled you to adjust? It is said that nothing has been done for the South in th

establishment of these Territorial Governments; nothing in establishment of these Pernormal Governments; nothing in this measure of compromise. What, sir! Is there nothing done for the South when there is a total absence of all Con-gressional action on the delicate subject of slavery; when Congress remains passive, neither adopting the Wilmot proviso, on the one hand, nor authorizing the introduction of slavery on the other; when every thing is left in statu quo? What were the South complaining of all along? The Wilmot proviso—a proviso, which if it be fastened upon this measure, as I trust it may not be, will be the result, I apprehead, of the difficulty of pleasing Southern gentlemen. Their cape from that odious proviso. The proviso is not in the bill.

The bill is silent; it is non-active upon the subject of slavery. The bill admits that if slavery is there, there it remains. Th bill admits that if slavery is not there, there it is not. The bill is neither Southern nor Northern. It is equal; it is fair; t is a compromise, which any man, whether at the North of who is desirous of healing the wounds of his country, may accept without dishonor or disgrace, and go home with the smiles which the learned Senator regretted he could not carry with him to Louisians. They may go home and say that these vast Territories are left open. If slavery exists there, there it is. If it does not exist there, it is not there. Neither the North nor the South has triumphed; there is per-fect reciprocity. The Union only has triumphed. The South has not triumphed by attempting to introduce slavery, which she would not do if she could, because she maintains (although it is not my own individual opinion) that Congress has no right to legislate on the one hand for its introduction, or on the other for its exclusion. Nor has the North been victorious. She may, indeed, and probably will, find her wishes ultimately consummated by the exclusion of slavery from our territoriacquisitions; but if she does, that ought not to be an occasion of complaint with the South, because it will be the result of inevitable causes. The bill has left the field open for both, to be occupied by slavery, if the people, when they are forming States, shall so decide; or to be exclusively devoted to fre dom, if, as is probable, they shall so determine.

Now let me call the attention of the Senate to a very pain-ful duty, which I am constrained to perform, and which I shall perform let it subject me to what misinterpretation it may, here or elsewhere. I mean the duty of contrasting the plan proposed by the Executive of the United States with the proposed by the executive of the United States with the plan proposed by the committee of thirteen. If the Executive has a friend—(I do not mean exactly that, because I believe and wish myself to be a friend of the Executive, feeling most anxious to co-operate with him)-but if there be a friend of the Executive who supports his measure to the exclusion of that of the committee, will he stand up here, and meet v face to face upon the question of superiority of the one measure to the other? Let us here, and not in the columns of newspapers, have a fair, full, and manly interchange of argument and opinion. I shall be ready to bear my humble par in such a mental contest. Allow me to premise by assuming, in the first place, that every friend of his country must b anxious that all our difficulties be settled; and that we should once more restore concord and harmony to this country.

Now, what is the plan of the President ? I will t by a simile, in a manner which cannot be misunderstood lere are five wounds-one, two, three, four, five-bleeding and threatening the well being, if not the existence of the body politic. What is the plan of the President? Is it to hea all these wounds? No such thing. It is only to heal one of the five, and to leave the other four to bleed more profusey than ever, by the sole admission of California, even if it should produce death itself. I have said that five wounds are open and bleeding. What are they? First, there is California; there are the Territories second; there is the question of the boundary of Texas the third; there is the fugitive slave bill the fourth; and there is the question of the slave trade in the District of Columbia fifth. The President, instead of proposing a plan comprehending all the diseases of the country, looks only at one. His recommendation does not embrace, and he says nothing about the fugitive slave bill or the District bill; but he recommends that the other two subjects, of Territorial Government and Texas boundary remain and be left untouched to cure themselves by some law of nature, by the vismedicatrix natura, or some self remedy in the success of which I cannot perceive any ground of the least confidence. I have seen with profound surprise and regret, the resistance—for so I am painfully compelled to regard the facts around us—of the Chief Magistrate of the country in his own peculiar plan. I think that, plan of settlement and compromise, which we propose consideration of the Senate. In the spirit of compromise which, I trust, does, and which I know ought to, animate both ends of Pennsylvania avenue, we had a right to supbut that it did not go, in our re-pectful judgment, far enough, and that we therefore offered our measure to close up the four remaining wounds—I think, that in a spirit of peace and concord, and of mutual confidence and cooperation, which ought to animate the different departments of e Government, the President, entertaining that constiutional deference to the wisdom of Congress professed, and abstaining, as he has declared he would abtain, from any interference with its free deliberations, ought, without any dissatisfaction, to permit us to consider what is best for our common country. I will go a little further in this comparison, which I make most painfully. After the observations which I addressed to the Senate a week ago, I did hope and trust there would have been a reciprocation from the other end of the avenue, as to the desire to heal, not one wound only, which being healed alone would exasperate and aggravate instead of harmonizing the country, but to heal them all. I did hope that we should have had some signification, in some form or other, of the Executive contentment and satisfaction with the entire plan of adjustment. But, instead of concurrence with the committee on the part of the Executive, we have an authentic assurance of his adherence exclusively to his own particular scheme.

Let us look at the condition of these Territories, and I shall endeavor to do what has not been done with sufficient precision, to discriminate between non-action or non-intervention in regard to slavery, and non-action as it respects the govern ment of the people, who, by the dispensations of Providence, and the course of events, have come to our hands to be taken care of. To refrain from extending to them the benefit of overnment, law, order, and protection, is widely different rom silence or non-intervention in regard to African elavery. The recommendation of the President, as I have already said, proposes the simple introduction of California as a State into the Union—a measure which, standing by itself, has excited the strongest symptoms of diseatisfaction in the Southern portions of the confederacy. The recommendation proposes to leave all else untouched and unprovided for. In such an andonment, what will be the condition of things? The first approximate Territory to California is Utah, and in what condition is that left by the President's message? Without any government at all. Without even the blessing or curse, as you may choose to call it, of a military government. There s no government there, unless such as the necessities of the have required the Mormons to erect for themselves. Until the common parent shall have spread its power and its authority over them, they have no adequate government.

Then next come to New Mexico, and in what condition rnment; a military government which, administered as

oes the President's message leave her ? With a military govsposed to be, is no government. While upon this part of he subject, let me call your attention to what has been said by the Delegate from that Territory, in a feeling address which he has recently published to the people of New Mexico.

Mr. UNDERWOOD, at the request of Mr. CLAY, read the ollowing extracts:

following extracts:

"Why have our rights, which are certainly indisputable, been so long withheld? Why have we been compell d to live under a military domination, so repugnant to freemen, and so opposed to the acknowledged spirit and foundation of this Government? Why, our condition, instead of being improved by the transfer of allegiance, as was promised to us, has been continually getting worse. Why has this Government so long neglected giving you that protection against Indian depredations which was so often promised, both before and since the treaty of cession? Why, the connexion with this Government, which you have been encouraged to look forward to as the beginning of your prosperity and improvement, has had its opening with three years of depredation, miserable misrule, and military despotism."

Again: "It is useless for me to remind you that you have no other than a military government to administer the civil

to other than a military government to administer the civil aws with which you came into the Union, (and under which laws with which you came into the Union, (and under which you and your ancestors have lived for two centuries.) What other Executive have you but the commander of the troops in New Mexico? Does he not absolutely control all the civil establishments of your country? Is there a civil officer but holds his office by commission from the military officer during his will and pleasure? Has he not indeed assumed to order the courts whom to bring to trial, and in every way prescribe their jurisdiction? And when the Secretary of War

amands him not to interfere, or prevent the officers fro Texas to exercise their commissions in your Territory, ear that be called a neutrality? Is it not a virtual abandonment

Mr. CLAY. Mr. President, with regard to Utah there i o government whatever, unless it is such as necessity has compled the Mormons to institute; and when you come to Mexico what government have you? A military government, by a lieutenant colonel of the army! A lieutenant colonel, a mere subordinate of the army of the United States, colonel, a mere subordinate of the army of the United States, holds the governmental power there, in a time of profound peace. Stand up, Whig who can—stand up, Democrat who can, and defend the establishment of a military government in this free and glorious Republic, in a time of profound peace? Sir, we had doubts about the authority of the late President to do this in time of war, and it was cast as a reproach against him. But here, in a time of profound peace, it is proposed, by the highest authority, that this government, that this military government—and by what authority it has continued since peace ensued I know not—should be continued indefinitely, till New Mexico is prepared to come as State into the Union. And when will that be? There are now about ten thousand people there, composed of Americans, Spaniards, and Mexicans; and about 80,000 or 90,000 In dians, civilized, uncivilized, and barbarous people; and when will they be ready to come in as a State? Sir, I say it under a full sense of the responsibility of my position, that if to-morrow, with such a population, and such a constitution as such a population might make, they were to self-government; nor will she have for many years to come such a population as will make it proper to admit ber as a State. And yet the plan of the President is to leave this military government under this lieutenant colonel in full operation, dethe governmental power there, in a time of profound ernment under this lieutenant colonel in full operation, declaring as he does, in opposition to evidence, that they have a very good government there now.

But what sort of a government does this lieutenant colonel

ister to his subjects? Why, I suppose laced over them adm one of the greatest and first duties of government is to give protection to the people, to give defence to the Territory which he governs, and to repel invasion from the limits of the country. And how does this military commander, acting as it is said under the authority of the Secretary of War, behave upon the first approach of an invasion? commissioners are sent there as pioneers in the work of oringing all that part of New Mexico on this side of the Rio del Norte under the authority of Texas as the territory of Texas, what does this military governor do, or propose to do, to protect those people and repel invasion, and to protect the domain? He says he means to be neutral, and has instructions from headquarters to be neutral in this contest be-tween the people of Santa Fe or New Mexico and Texas! The governor of this peop'e, who are opposed to the jurisdic The governor of this peope, who are opposed to the jurisdiction of Texas, says he means to take no part with those whom he governs, but to leave them to fight it out as well as they can with the power of Texas: What American can say that, under the circumstances, this course is justifiable; and what will become of the sacred obligations of the treaty of Hi-dalgo? Of all the honorable distinctions which characterize man in his social and aggregate, or his individual character, that of good faith, of the honorable fulfilment of obligations, and the observance of contracts in private life, and of treaties in public life, is one which commends itself most to the ap-probation of enlightened mankind. Here we have a provision in this treaty staring us in the face, requiring us to extend the protection of government to the people of Utah and New Mexico. We are told we may safely—it is not said, I admit, in terms, but it is in effect-we may withdraw from the fulfilment of our obligations, and leave this people to themselves, to work out their own happiness and salvation in

In what circumstances will this country be if Congress adourns without a settlement of this boundary question, and without establishing Territorial Governments for Utah and New Mexico In what condition would the people of New Mexico be east of the Rio del Norte in their conflict with Texas? Sir, I need not remind you of what every body knows of the settled dislike, the insuperable antipathy existing on the part of the people of New Mexico towards Texas, denouncing and denying her authority, contravening the existence of her laws, and ready, if they had the power to do it, to resist her claim of jurisdiction to the last extremity. And yet they are to be left to take care of themselves. They

have got a government good enough for them!

Mr. President, that is not my conception of my duty as an American legislator. My duty tells me to perform what we have promised to perform; my duty tells me to extend to this people in Utsh and New Mexico the benefits of that supreme authority residing in the city of Mexico which they and when they constituted a part of the republic of Mexico; but which, when they came to us, we promised to extend to them from Washington, on our part. That is my conception of duty, and I will undertake to perform it, if I can. If cannot do it on account of the Wilmot proviso, or if, as he result of any other obstacle that may be thrown in the way, I cannot accomplish what I deem my duty, I shall stand acquitted in the sight of God and my own conscience; I ill be irreproachable as to any deliberate neglect, even if fail in the attempt to perform my duty.

I will close this part of what I have to say by grouping, comparing, and contrasting the features of the respective plans of the Executive and the Committee, which I shall be glad if the Reporters will publish in parallel columns : President's plan propo- The Committee's plan reses an adjustment of only one commends an amicable of the five subjects which agi-ment of all five of them.

of the five subjects which agitate and divide the country.

The President's plan proposes the admission of California as a State.

He proposes non-intervention as to slavery.

But he proposes further non-intervention in the establishment of Territorial Governments; that is to say, that we that he propose to the conformity shall neglect to execute the obligation of the United States in the treaty of Hidalgo—lail to govern those whom we are bound to govern—leave them in place of that of Meximithout the projection of the comment of all five of them.

That of the Committee also proposes the admission of California as a State.

They also propose non-intervention as to slavery.

They also propose non-intervention by the establishment of California as a State.

They also propose non-intervention of the civil government for ment of civil government for with treaty and constitutional ligation of the United States in the Territories, in conformity shall neglect to execute the obligations. To give the subtlement of give propose action and intervention as to slavery.

That of the Committee also proposes the admission of California as a State.

They also propose action and intervention by the establishment of civil government for ment of civil government for ment of civil government of civil govern without the pro! ection of the co, which they have lost; and civil authority of any General to substitute a civil instead of Government—leave Utah with-that military governmen!, out any government at all, but which declares it will assume that which the Mormons may an attitude of neutrality in the institute—and leave New Mexico under the military government of a lieutenant colonel.

His plan lails to establish the limits of New Mexico east of the Rio Grande, and would ex-land, being settled, a civil war pose the people who inhabit it to civil war, already threatened, with Texas.

d. with Texas. I, with Texas.

He proposes no adjustment
f the fugitive slave subject.

They offer amendments,
which will make the recovery
of fugitives more effectual, and

fugitives more effectual, a at the same time, it is believ the same time, it is believed, will be generally satisfactory to the North.

They propose to interdict of the subject of slavery or the the slave trade in the District, slave trade in the District of and to leave slavery there un-

olumbia. disturbed.

Thus, of the five subjects of They propose to adjust all Thus, of the five subjects of They propose to adjust all disturbance and agitation—to five of them on a basis which, wit, California, Territorial it is confidently believed, is Governments, the boundary just, fair, and honorable, and question with Texas, the fugi-tive bill, and the subject of slape of the United States.

wery in the District—

His plan settles but one, leav
They offer the clive branch ing the other four unadjusted, of peace, harmony, and to inflame and exasperate the quillity.

Under his plan, one party, fushed with success in the admission of California alone, of mutual concession and comwill contend, with new hopes promise, there will be general
and fresh vigor, for the appliacquiescence, if not satisfaccation of the Wilmot proviso tion; and the whole country to all the remaining territory; will enjoy once more the bless whilst the other party, proing of domestic peace, concord taining no concession whatever,
may be urged and animated to

extreme and greater lengths than have been yet manifested.

Whilst the President's plan is confined to a single measure, leaving the Governments of Utah and New Mexico unprovided for, and the boundary between Texas and New Mexico unsettled, another, and one of the most irritating questions, is left by him, without any recommendation or any rovision, to harass and exasperate the country.

He fails to recommend any plan for the settlement of the emportant and vexatious subject of fugitive slaves. He pro-poses no plan of settlement of the agitating questions which trise out of this subject. I will repeat, let him who can, stand up here and tell the country, and satisfy his own conscient when the whole country is calling out for peace, peace, peace when it is imploring its rulers above and its rulers below to bring once more to this agitated and distracted people some broad and comprehensive scheme of healing, and these questions which agita's this afflicted people—let any man who can, not in the public press, but in the Senate of the United States, stand up and show that the plan which is proposed by Executive authority is such a one as is demanded by the necessities of the case and the condition of the country. I should be glad to hear that man. Ay, Mr. President, I wish I had the mental power commensurate with my fervent wishes for the adjustment of these unhappy questions, commensurate to urge upon you and upon the country forbear-ance, conciliation, the surrender of extreme opinions, the avoidance of attempting impossibilities.

Sir, I know there is a floating idea in the Southern mind,

such as we have heard before, of the necessity of an equili-brium of power between the two sections of the Union—of a

though I trust in God the occasion for its exercise will never arise, there is that right of resort to arms and to make further esistance when oppression and tyramy become insupportable. Nor is this great interest of the South, this institution of slavery, the only one to be affected by the fact that is is in a minority. Is it peculiar to that interest? No, sir. How is it with the fishing interest? How with the navigating interest? They are both greatly in the minority. How is it with the manufacturing interest? In the minority. How is it with the commercial interest? In the minority. How is it with the commercial interest? In the minority. How is it with the commercial interest? In the minority. In short, without continuing the anumeration, every interest in this country is in the minority except that great and all-pervading interest of agriculture, which extends from one end of the country to the other. We must be reconciled to the condition which is inevitable. There is all reasonable security against any abuses which may be inflicted in the progress of events, which you can no more arrest than you can seize and hold the beams which are poured forth from that great luminary of the system of which we compose a part, or than you can stop in its onward course the flowing of the Mississippi river, and compel it to turn back to its sources in the Rocky and Alleghany mountains. It is utterly vain to suppose you can acquire that equilibrium of which we have heard so much, between the slavcholding and the non slaveholding portions of the Union. It is not necessary, I hope; it is not necessary, I believe; but, whether it is or not, it is unattainable, by the operation of causes beyond all human or earthly control. And to oppose the immutable and irrevocable laws of population and of Nature is equivalent to a demand for the severance of the Union. for the severance of the Union.

I conclude by repeating that here are five wounds which by

the committee of compromise are proposed to be closed. Sir, I know what may be said. I know it will be said that agita-I know what may be said. I know it will be said that agitators will, even after the passage of all these measures, continue to sgitate; that the two extremes will still cry out for their respective favorite measures; that the Wilmot proviso, although Territorial Governments will be established, will be pressed, to be added by a supplementary act, or to be incorporated in the constitutions which these Territories may establish. I know it may be urged—indeed, I have heard it stated on this floor, "Pass all your measures, and we will cry out for repeal." I know something, I think, of the nature of man. I know something of the nature of my own countrymen. I speak also with the authority and with the aid of history. At the time of the memorable Missouri compromise, as at this the time of the memorable Missouri compromise, as at this— and I have been unable to determine in my own mind whether more solicitude and anxiety existed then than now—the whole country was in an uproar, on the one side, for the admission of Missouri, and on the other for her exclusion. Every legislative body throughout the country—I believe there were twenty-four then—had denounced or approved the measure of the admission of Missouri. The measure was finally carried by a small majority; only six in the House of Representatives, where the great struggle, where the long-continued exertion was carried on. And what were the consequences, the tranquillizing consequences which ensued throughout this distracted country? The act was every where received with joy, and exultation, and triumph; and the man who would have dared to interrupt the universal and deep-felt and all-pervading harmony which prevailed throughout the country in consequence of that adjustment, would have stood rebuked, and repudiated, and reproached by the indig-nant voice of his countrymen. And I venture to say if this measure of compromise goes to the country with all the high sanctions which it may carry—sanctions of both Houses of Congress and of the Executive, and of the great body of the American people—to a country bleeding at every pore, to a country imploring us to settle their difficulties and give once more peace and happiness to them, I venture to say that the ion will be at an end, though a few may croak and halloo as they please. There are a few miserable men who live upon agitation, men who are never satisfied until they can upon agitation, men who are never satisfied until they can upon agitation, men who are never satisfied until they can upon agitation, and say, "take me, I am a good Democrat, and I will bring to you this capital which I have, and ensure your success;" or go to the Whig party and say, "take this little balancing power which I possess, and I will enable your party to triumph over their adversaries." I venture to say they will be hushed into silence by the indignation they will meet every where, in their vain and futile attempt to prolong that satisfacts. in their vain and futile attempt to prolong that agitation which has threatened this country with the most direful calamity which in all the dispensations of God could befall it. Sir, I am done. I would say much more, but I cannot longer trespass upon your time. I did not expect to have said so much, and my physical powers will not permit me to

ARRIVAL OF ANOTHER EUROPEAN STEAMER.

The Royal Mail steamer Europa arrived at Haifax on Monday afternoon, bringing dates from Liverpool to the 11th and London to the 10th instant. The Telegraph furnishes the following epiome of her commercial news :

The new American steamer Atlantic, of the Collins line, vrived out in thirteen days. She reached Liverpool on Friday, 10th of May. She was, unfortunately, detained fortyeight hours by an accident to her machinery. Her condens ing pumps gave out, and her floats broke, they proving too frail. Previous to the accident she had attained a very high rate of speed. Owing to the above circumstance the Atlantic will not sail on the 15th, as was contemplated. The day of her sailing has not been fixed.

The cotton market at Liverpool was firm, but prices had not varied from those quoted at the sailing of the Hibernia. The sales of the week amounted to 50, 170 bales.

Flour has advanced one shilling per barrel, and corn meal dvanced 1s. 2d. to 1s. 3d. per barrel. Indian corn has ad vanced 1s. 6d. per quarter. Not much doing in provisions. Beef advanced 3s. to 4s. per tierce. Pork quiet. Becon firm at previous quotations. Tobacco in moderate demand, with small sales.

In the British Parliament an attempt to take the duty off newspaper advertisements had failed.

One of the wealthiest Lancashire manufacturers (Mr. Threlall) has been arrested on a charge of forging bills to the extent of forty thousand pounds. Twelve thousand had peen discounted when he was taken, but the money was recovered. Lord Jonx Russell is still too ill to introduce the Lord Lieutenancy bill. The crops are looking extremely promising. The new expedition in search of Sir Joun FRANK-

In FRANCE the anniversary of the republic was celebrated with great pamp. All was quiet, and not a single arrest oc-

PHILADELPHIA, MAY 21.

The engine and tender attached to the burden train of cars from Baltimore ran through the draw on Crum's bridge, about eighteen miles from Philadelphia, last night, and were precipitated into a schooner, which was passing through at the ime. No serious damage. The passengers and mail for Baltimore left Philadelphia in a boat for Wilmington, and thence by railroad.

St. Louis, May 21.

The Register reports the total number of deaths for the week nding on Monday the 20th instant at 67, of which 26 were children of five years of age and under; of the whole number nine deaths were from cholera and one of small pox. From three of the cometeries there are no reports.

The steamer James McLane came down yesterday from Council Bluffs, which place she left on the 14th. She reports that nearly all the emigrants had crossed to the opposite side of the river, and that hundreds were daily starting for the Plains. The emigrants at St. Joseph's were fast thinning out. The grass in the vicinity of Knoxville was up severa inches and growing rapidly. Provisions continued scarce.